

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BEATA ROGOWSKI a/k/a
BETA WALKOSZ

Plaintiff,

v.

FOREMOST INSURANCE COMPANY
GRAND RAPIDS MICHIGAN

Defendant.

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3:15-CV-01606
(JUDGE MARIANI)

ORDER

AND NOW, THIS 22nd DAY OF AUGUST, 2016, upon *de novo* review of Magistrate Judge Carlson's Report and Recommendation, (Doc. 17), the parties Objections thereto, and all related filings, **IT IS HEREBY ORDERED THAT:**

1. Plaintiff's Objection, (Doc. 18), is **OVERRULED** in part and **SUSTAINED** in part as set forth in the Court's accompanying memorandum opinion.
2. Defendant's Objection, (Doc. 19), is **OVERRULED**.
3. The Report and Recommendation, (Doc. 17), is **ADOPTED in part and OVERRULED** in part for the reasons stated both therein and in this Court's accompanying memorandum opinion.
4. Defendant's Motion to Dismiss Count I, (Doc. 7), is **DENIED**.
5. Defendant's Motion to Dismiss Count II, (Doc. 7), is **GRANTED**. Count II of the Complaint is **DISMISSED WITHOUT PREJUDICE**.

6. Plaintiff is **HEREBY GRANTED 14 days from the date of this Order** to file an Amended Complaint as to Count II of the Complaint.

A handwritten signature in black ink, appearing to read "R. Mariani", is written over a horizontal line.

Robert D. Mariani
United States District Judge